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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,941	02/24/2004	Daniel Manhung Wong	50277-2406	3803
43425 7590 09/21/2010 HICKMAN PALERMO TRUONG & BECKER/ORACLE 2055 GATEWAY PLACE SUITE 550 SAN JOSE, CA 95110-1083				
EXAMINER				
PHAM, MICHAEL				
ART UNIT		PAPER NUMBER		
2167				
MAIL DATE		DELIVERY MODE		
09/21/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/786,941

Applicant(s)

WONG, DANIEL MANHUNG

Examiner

MICHAEL PHAM

Art Unit

2167

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 03 September 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-26.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/John R. Cottingham/
Supervisory Patent Examiner, Art Unit 2167

Continuation of 11, does NOT place the application in condition for allowance because: Applicant's assertions are unpersuasive over the prior art of record:

Applicant's assert the following with regard to the rejected claims:

A. Applicant's assert the 112 first paragraph. Stating that paragraph 22 indicates or otherwise associated with the database statement. And the provide examples from paragraph 33-34 and support the limitation.

Regarding paragraph 22, Applicant's recitation of wherein the "tag is not embedded in said database statement" is more of a disassociation than anything. Therefore remarks regarding that the tag is not embedded in the database statement is supported in paragraph 22 is respectfully disagreed.

Regarding paragraphs 33-34, the examples provided are related to being sent with. It does not state where the tag is not embedded in the database statement. The tag is sent with the SQL select statement in the DBMS_SQL_Parse() function.

B. Applicant's page 3 of the after-final response asserts that the limitation "a tag is not embedded in said database statement" is not disclosed. That this is because Puz recites on paragraph 28 that the "security marker is inserted into the SQL string". That this means that the security marker is embedded in the SQL string. And that further the security check is part of a single final SQL string. That therefore Puz does not disclose "receiving a request to execute the database statement, wherein the request includes the database statement and a tag that does not conform to a database language of said database statement, wherein the tag is not embedded in said database statement".

Regarding the limitation "wherein the tag is not embedded in said database statement", this limitation is disclosed by the reference. It is shown in figure 2 that while a first security marker is inserted, a second security marker is inserted, the third security marker is a different case. Figure 2 shows a third security marker, the third security marker is not embedded in said database statement since there is none.

Accordingly, "wherein the tag is not embedded in said database statement" is further disclosed by the Puz reference as a non-existent security marker is applied and as can be seen there is no security check for that portion of the SQL string in figure 3. Applicant's assertions are therefore unpersuasive. Over the cited prior art.

C. That in regards to the 103 rejection that Fujiwara also fails to disclose the limitation asserted in part A. And that there is no rational basis for how the references could be combined such that the tag "is not embedded in said database statement."

In regards to the rejection and the limitation of "the tag is not embedded in said database statement", please see part A and B.

In regards to the combination cannot be made, this is disagreed. Both Puz and Fujiwara are within the same field of endeavor as they are both access control systems for a database query. They are further within the same field of endeavor as applicant's invention. It would have been obvious to a person of an ordinary skill at the time the invention was made to have applied Fujiwara's disclosure above to the disclosure of Puz for the purpose of allowing an access policy to be determined in order to provide for easier management of access control to each user. By allowing an access policy in Fujiwara it further allows for managing better control over Puz's security for each user access.